

REMARKS

In an Office Action mailed August 22, 2001, the Examiner rejected claims 1 and 2 under §102 as anticipated by U.S. Patent No. 4,021,977 to Deike, or U.S. Patent No. 1,903,869 to Meister et. al, or U.S. Patent No. 5,299,883 to Arth, Jr. By the present amendment, claims 1 and 2 have been amended to more clearly define the present invention and new claims 3-6 have been added. Applicant submits that claims 1 and 2, as amended, and claims 3-6 distinguish over the cited references.

The Arth, Jr. patent shows a covering assemblage with an inwardly extending lip 28 that cooperates with an outwardly extending locking feature 12 of the post. Claims 1 and 2, as amended, and claims 3, 4 and 6 clarify that the sleeve in the present invention has no inwardly extending protrusions. Claim 5 provides that nothing else is required to hold the cover on the stanchion, such as the locking feature in Arth. In addition, claim 1 has been amended to use "consisting essentially of" in the preamble, thereby eliminating additional structure.

The Meister et. al, patent discloses an apparatus that is structurally and functionally different than the present invention. Meister et. al discloses several embodiments of a "pillar or post," rather than a cover for a post. It should be noted that 8 refers to an elastic anchor rather than a post. The top of the post or pillar in Meister et. al appears to be a removable plug with a substantial transitional discontinuity between the remainder of the post and the post top. Claims 1, 2, 5 and 6 require that the top smoothly transitions from the body. The "consisting essentially of" preamble in 1 excludes the additional structure of Meister. Claim 3 provides that the sleeve and dome top have substantially the same wall thickness, unlike in Meister. Claim 4 requires the stanchion and sleeve to have approximately the same length, unlike any embodiment of Meister.

Deike again discloses a structure dissimilar to the present invention. Deike very generally refers

to a tube 13, but fails to describe its structure. Among other distinctions, the top of Deike does not smoothly transition from the remainder of the cover as required by claim 1, 2, 5 and 6. The Deike tube also requires a reflector applied to the outer surface of the tube to function as required. This additional structure is excluded by the "consisting essentially of" preamble of claim 1. Claim 4 provides that the stanchion and sleeve to have approximately the same length, unlike any embodiment of Deike. Claim 5 provides that nothing else is required to hold the cover on the stanchion, such as the attaching bolt used and required in Deike.

In light of the above, Applicant respectfully submits that all claims are now conditioned for allowance.

Any questions should be directed to Applicant's below-signed representative.

Attached is a version showing the changes made to the title, abstract, specification and claims 1 and 2.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADEIN THE TITLE

STANCHION [WITH] SLEEVE AND METHOD OF USING SAME

IN THE ABSTRACT

A cover is provided for [stanchion with sleeve includes] an elongated [member] stanchion secured to a fixed structure and extending generally linearly away from the fixed structure. The sleeve has an elongated body extending [curvilinearly] between two opposing ends. An interior cavity extends along the sleeve and through one end of the sleeve. The interior cavity has a cross-sectional shape adapted for slip fit engagement with the stanchion post. [The sleeve is formed with a curve for receiving the stanchion post in the interior cavity in force fit engagement.]

IN THE SPECIFICATION

*Page 1, lines 2-6:*

This application is a continuation-in-part of U.S. design patent application Serial No. 29/054,342, filed May 30, 1996, which is a divisional of U.S. design patent application Serial No. 29/019,652, filed March 7, 1994, now U.S. Patent No. D374,941, which is a continuation-in-part of U.S. patent application Serial No. 08/038,676, filed March 26, 1993, now U.S. Patent No. 5,323,583, all of which are incorporated herein by reference.

*Page 1, lines 8-9:*

The present invention generally relates to [guard rails] protective covers, and more particularly

relates to a protective cover for a stanchion or post.

*Page 2, lines 11-20:*

The above addressed failings of present protective stanchions and the identified need for a low maintenance protective stanchion are addressed by the present invention which provides a [clever assembly of a stanchion post and] protective sleeve for use on a stanchion or post. The post is an elongated member having one end secured to a fixed structure. The post extends generally linearly away from the one end, at the fixed structure, to an opposing terminal end. A sleeve is provided, having an elongated generally cylindrical body extending [generally curvilinearly] between two opposing ends. The sleeve has [an] a generally cylindrical interior cavity extending along the sleeve and through at least one of the two opposing ends. Further, the interior cavity has a cross-sectional shape adapted for slip fit engagement with the post. [The post is inserted into the interior cavity and the sleeve force fit over the post.]

*Page 3, lines 9-12:*

FIGURE 3 is an enlarged view of detail [III] 3 of Figure 2;

FIGURE 4 is an enlarged view of detail [III] 4 of Figure [3] 2;

FIGURE 5 is the view [of] similar to Figure 2 with the stanchion fully inserted into the sleeve [assembled];

FIGURE 6 is a cross-sectional view taken along line [VI--VI] 6-6 of Figure 5;

*Page 5, line 19 to page 6, line 5:*

Sleeve 14 may be formed of a number of suitable, malleable structural materials, and is preferably formed of a structural plastic, including, for example, generally available low density polyethylenes and [LEXAN.TM.] LEXAN® brand polycarbonate, available from General Electric Company. Sleeve 14 is conveniently molded by well-known rotary molding processes. As is also known in the molding of plastics, various coloring agents may be mixed into the material of which sleeve 14 is formed to provide a durable coloring throughout sleeve 14, and a variety of material enhancing additives may be used, including, but not limited to, additives to resist ultraviolet (UV) deterioration, for example.

#### IN THE CLAIMS

1. (Amended) A [stanchion comprising:] cover for [an] a substantially rigid elongated generally cylindrical stanchion [member] having a [first] lower end [secured to a fixed structure, said elongated member extending generally linearly, away from said first end to] associated with the ground and an opposing terminal end, the cover consisting essentially of:

a sleeve having an elongated, generally cylindrical body extending [generally] between two opposing ends, said sleeve having [an] a generally cylindrical interior cavity extending along said sleeve and through one of said two opposing ends, said interior cavity having a substantially consistent circular cross-sectional shape extending between said two opposing ends without any inwardly extending protrusion, said cavity adapted to receive the stanchion [said elongated member] in slip fit engagement], said elongated member being positioned and received within said interior cavity]; and

said other opposing end of said sleeve having a closed, hemispherically shaped dome top that smoothly transitions from said body.

2. (Amended) [The] A method of at least partially encasing a stanchion, comprising the steps of:  
providing a sleeve having an elongated generally cylindrical body with two opposing ends and  
an interior cavity extending along said elongated body and through one end of said elongated body, the  
other of said ends having a closed, hemispherically shaped dome top that smoothly transitions from said  
body without any discontinuities;

forming said interior chamber with a substantially consistent circular cross-sectional shape  
extending between said opposing ends without any inwardly extending protrusion, said interior chamber  
adapted to receive [said] the stanchion in slip fit engagement;

inserting [said] the stanchion into said interior cavity; and  
[forcing] urging said sleeve onto [said] the stanchion, to a desired position on [said] the  
stanchion, to at least partially encase [said] the stanchion.